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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,001	02/25/2004	Kil-soo Jung	1793.1208	9755
49455	7590	02/19/2008		
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER HEFFINGTON, JOHN M	
			ART UNIT	PAPER NUMBER
			2179	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/785,001	Applicant(s) JUNG ET AL.	
	Examiner JOHN M. HEFFINGTON	Art Unit 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/8/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This action is in response to amendment filed 4 December 2007. Claims 1, 9, 17-19 have been amended. Claims 1-19 are pending and have been considered below.

#### *Response to Arguments*

1. Applicant's arguments filed 4 December 2007 have been fully considered but they are not persuasive.

With respect to applicant's argument directed towards the rejection of claim 17 under 35 U.S.C. § 101, applicant argues that paragraph [0039] of the specification states that aspects of the present invention can be embodied in a carrier wave, but does not list the carrier wave as an example of a recording medium. The examiner respectfully disagrees. Paragraph [0039] of the specification states "The computer readable recording medium includes a magnetic storing medium (for example, a ROM, a floppy disk, a hard disk, etc.), an optical reader (for example, a CD-ROM, a DVD, etc.), **and a carrier wave** (for example, data transmission through internet)." As can be seen per the specification of the instant application, a computer readable recording medium includes a carrier wave.

With respect to applicants arguments directed towards the rejection of claims 1 under 35 U.S.C. § 102(b), applicant argues that Yamanaka et al. (US 5,983,247) does not disclose storing a plurality of browser graphics of different aspect ratios or an act of

selecting a browser graphic from among the plurality of browser graphics, but only storing of the one image with a desired aspect ratio. The examiner respectfully disagrees. Yamanaka discloses "area storing unit for including a plurality of storage areas each of which is suitable for the size of the second display screen" (column 2, lines 5-7). Each of these area storing units would correspond to an image of a different aspect ratio. Further, Yamanaka discloses "display image converting unit for reading the character string and the piece of image information from the document obtained by the document obtaining unit and for converting the character string and the piece of image information respectively into display image elements according to respective pieces of conversion information stored in the conversion information storing unit" (column 2, lines 7-14). Yamanaka refers to converting a piece of image information into display image elements, i.e. converting one image into a plurality of images. Yamanaka discloses "display image element writing unit for writing the one of the display image elements into the space of the first storage area when the space judging unit judges that the space of the first storage area is enough to store the one of the display image elements; and new display image element writing unit for, when the space judging unit judges that the space of the first storage area is not enough to store the one of the display image elements, writing the one of the display image elements into a second storage area among the plurality of storage areas" (column 2, lines 19-28). Yamanaka discloses writing one image into a plurality of storage areas. The plurality of storage areas corresponds to screens of different sizes, i.e. different aspect ratios. Yamanaka discloses writing into each of these storage areas images that have been converted to

fit in to a corresponding area. Since it is the object of Yamanaka provide a data conversion apparatus for converting multi-media data which has been written for a display screen, into a display image for another display screen having a different aspect ratio, the Yamanaka would achieve this objective by selecting the correctly scaled image from the appropriate storage area to display the image on the target screen.

2. Applicant's arguments with respect to claims 9 and 17-19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 is drawn to a carrier wave per se (specification, paragraph 0039). A computer data signal embodied in a carrier wave is not a series of steps or acts and this is not a process. A computer data signal embodied in a carrier wave is not a physical article or object and as such is not a machine or manufacture. A computer data signal embodied in a carrier wave is not a combination of substances and therefore not a compilation of matter. Thus, a computer data signal embodied in a carrier wave by itself does not fall within any of the four categories of invention. Therefore, Claim 17 is not statutory.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6, 9-12, 14, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamanaka et al. (US 5,983,247).

Claims 1, 9 and 17: Yamanaka discloses an apparatus, method and computer readable medium that displays browser graphics, comprising:

- a. a browser graphic storage unit, which stores browser graphics of different aspect ratios according to the aspect ratios (column 2, lines 3-5 and lines 7-14; column 34, lines 34-51; figure 33) [conversion information storing unit, display image converting unit];
- b. an initialization file storage unit, which stores an initialization file including predetermined aspect ratio information (column 2, lines 3-5) [conversion information storing unit];
- c. an aspect ratio information extractor, which extracts the aspect ratio information from the initialization file stored in the initialization file storage unit (column 2, lines 7-14) [display image converting unit];

- d. a browser graphic selector, which selects a browser graphic, that corresponds to the aspect ratio extracted by the aspect ratio information extractor, from among the browser graphics of different aspect ratios stored in the browser graphic storage unit (column 2, lines 7-14) [display image converting unit];
- e. and a browser graphic display unit, which displays the browser graphic selected by the browser graphic selector(column 2, lines 29-35) [display image element writing unit].

Claims 2 and 10: Yamanaka discloses the apparatus and method of claims 1 and 9, and further discloses:

- a. a browser unit browsing predetermined interactive contents markup documents as interactive contents to reproduce the interactive contents, (column 8, lines 58-60) [the HTML document will be read by a browser and is displayed on the screen] and
- b. wherein the initialization file includes information regarding a reproduction environment of the interactive contents (column 1, lines 1-2) [screen size storing unit].

Claims 3 and 11: Yamanaka discloses the apparatus and method of claims 2 and 10, and further discloses a reproducing command receiver that receives a command for reproducing the interactive contents from a user, wherein when the reproducing command is received by the reproducing command receiver, the aspect ratio

information extractor extracts the aspect ratio information from the stored initialization file before the interactive contents are reproduced (column 2, lines 7-14) [display image converting unit].

Claims 4 and 12: Yamanaka discloses the apparatus and method of claims 2 and 10, wherein the initialization file is a markup document (column 1, lines 11-15) [This invention relates to a data conversion apparatus used for TV broadcasting systems, and more specifically to a data conversion apparatus for converting HTML (Hypertext Markup Language) documents into information of a format suitable for the TV broadcasting systems.].

Claims 6 and 14: Yamanaka discloses the apparatus and method of claims 2 and 10, wherein the initialization file includes a default aspect ratio, which is set by a producer of the interactive contents (column 1, lines 19-22, column 2, lines 5-7 [a change has taken place in terms of the screen size, so that a standard screen with a conventional aspect ratio (4:3) and a wide screen with aspect ratio (16:9) are now available][area storing unit for including a plurality of storage areas each of which is suitable for the size of the second display screen].

Claim 19: Yamanaka discloses an interactive digital video disc controlling a reproduction device, the disc comprising:



- a. multimedia data (column 1, lines 60-64) [where the document includes a plurality of control statements, at least a character string, and at least a piece of image information];
- b. interactive contents markup documents related to the multimedia data (column 8, lines 58-60) [the HTML document will be read by the browser and is displayed on the screen]; and
- c. browser graphic aspect ratio information to control a selection of a browser graphic, corresponding to the browser graphic aspect ratio information, from a plurality of browser graphics, having different aspect ratios, of a browser browsing the interactive contents to reproduce the interactive contents (column 1, lines 51-55, column 2, lines 3-5) [conversion information storing unit for storing a plurality pieces of conversion information which respectively corresponds to the plurality of control statements].

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka et al. (US 5,983,247) in view of Graham (HTML Source Book).

Claims 5 and 13: Yamanaka discloses the apparatus of claim 4 but does not disclose wherein the markup document includes the aspect ratio information in one of a meta tag form, a newly defined tag form, a newly defined attribute form, or a script form, according to a markup language. Graham discloses the IMG element with WIDTH and HEIGHT attributes (page 195) from which the aspect ration can be calculated. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the IMG element in Yamanaka. One would have been motivated to use the IMG in Yamanaka in order to be able to calculate the aspect ration directly from the HTML document rather than having to utilize the Y-coordinate judging unit and the X-coordinate judging unit.

9. Claims 7, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka et al. (US 5,983,247) in view of Ellson et al. (US 5,455,902).

Claims 7 and 15: Yamanaka discloses the apparatus and method of claims 1 and 9, further comprising:

- a. an initialization file creator, which creates the initialization file including the aspect ratio information received by the aspect ratio information receiver (column 2, lines 3-5) [conversion information storing unit for storing a plurality pieces of conversion information which respectively correspond to the plurality of control statements] and,
- b. wherein the initialization file storage unit stores the initialization file created by the initialization file creator (column 2, lines 3-5) [conversion information storing unit for storing a plurality pieces of conversion information which respectively correspond to the plurality of control statements].

but does not disclose an aspect ratio information receiver, which receives the aspect ratio information from a user. However, Ellson discloses an aspect ratio information receiver, which receives the aspect ratio information from a user (column 7, lines 51-64). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add an aspect ratio information receiver, which receives the aspect ratio information from a user to Yamanaka. One could have been motivated to add an aspect ratio information receiver, which receives the aspect ratio information from a user to Yamanaka to give the user the option of overriding the aspect ratio information derived for the second display.

Claim 18: Yamanaka discloses a method for converting an image from one aspect ratio to another aspect ratio by selecting the browser graphic from among a plurality of browser graphics having different display aspect ratios such that a display aspect ratio of the browser graphic according corresponds to a display device type displaying the browser graphic (column 2, lines 1-28), but does not disclose shapely displaying a browser graphic of a browser by selecting a display aspect ratio of the browser graphic according to a display device type displaying the browser graphic. However, Ellson discloses shapely displaying a browser graphic of a browser by selecting a display aspect ratio of the browser graphic according to a display device type displaying the browser graphic (column 7, lines 51-64). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add shapely displaying a browser graphic of a browser by selecting a display aspect ratio of the browser graphic according to a display device type displaying the browser graphic to Yamanaka. One could have been motivated to add shapely displaying a browser graphic of a browser by selecting a display aspect ratio of the browser graphic according to a display device type displaying the browser graphic to Yamanaka to give the user the option of overriding the aspect ratio information derived for the second display

10. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka et al. (US 5,983,247) in view of Nolan et al. (US 6,049,316).

Claims 8 and 16: Yamanaka discloses the apparatus and method of claims 2 and 10, and further discloses:

- a. an initialization file creator, which creates the initialization file including the aspect ratio information received by the aspect ratio information receiver (column 2, lines 3-5) [conversion information storing unit for storing a plurality pieces of conversion information which respectively correspond to the plurality of control statements],
- b. wherein the initialization file storage unit stores the initialization file created by the initialization file creator (column 2, lines 3-5) [conversion information storing unit for storing a plurality pieces of conversion information which respectively correspond to the plurality of control statements],

but does not disclose an aspect ratio information receiver, which receives the aspect ratio information by a plug-and-play method from a display device which will display the interactive contents. However, Nolan discloses but does not disclose an aspect ratio information receiver, which receives the aspect ratio information by a plug-and-play method from a display device which will display the interactive contents (abstract, column 6, lines 45-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add but does not disclose an aspect ratio information receiver, which receives the aspect ratio information by a plug-and-play method from a display device which will display the interactive contents to Yamanaka. One could have been motivated to add but does not disclose an aspect ratio information

receiver, which receives the aspect ratio information by a plug-and-play method from a display device which will display the interactive contents to Yamanaka because it is common in the art to utilize a plug-and-play monitor.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH  
2/5/08

BA HUYNH  
PRIMARY EXAMINER